

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE WILL COUNTY LOCAL)
174 CARPENTERS PENSION TRUST FUND)
and WILL COUNTY LOCAL 174 WELFARE)
FUND,)
) No. 07 C 5665
Plaintiffs,)
) Judge Norgle
v.)
) Magistrate Judge Cole
THE DESIGN & CONSTRUCTION WORKS,)
INC., a dissolved Illinois Corporation, and)
DEBBIE NASON, individually d/b/a THE)
DESIGN & CONSTRUCTION WORKS, INC., a)
dissolved Illinois Corporation,)
)
Defendants.)

PLAINTIFF'S MOTION FOR ORDER OF TURNOVER

Plaintiffs, by their attorneys, PHILIP BRZOZOWSKI, DONALD D. SCHWARTZ and ARNOLD AND KADJAN , pursuant to F.R.C.P. 69 and 735 ILCS Section 2-1402(c)(3), respectfully request this Honorable Court to enter an Order of Turnover requiring the Citation Defendants, to turn over and deliver to Plaintiffs all title and interest in all vehicles owned by Defendants. In support of the Motion the Plaintiffs state as follows:

1. On February 28, 2008, this Court entered judgment in favor of Plaintiffs and against the Defendant in the amount of \$105,746.61.
2. Subsequently, the Clerk of the Court issued a Citation to Discover Assets returnable against Defendants, The Design & Construction Works, Inc. and Debbie Nason, which were properly served on Defendants.

3. By Answer to the Citation, Debbie Nason has appeared before Plaintiffs' attorneys individually and as representative of the corporation and provided copies of vehicle titles to several vehicles owned by Defendants including:

- a. 1979 Chevrolet – VIN # C49C19V135656
- b. 1984 International F2674 – VIN # 1HTCF2672EHA15657
- c. 1987 International – VIN # IWSZPJXR8HH488518
- d. 1979 Ford LT9000 – VIN # U902VEK1515
- e. 2000 Ford – VIN # 1FTNS2427YHB13612
- f. 1999 Ford E250 – VIN # 1FTNE24L7XHA45813
- g. 1998 Ford E250 – VIN # 1FTPPE24LXWHB28787
- h. 1996 Ford E250 – VIN # 1FTFE24H2THB15129

(see copies of vehicle titles attached as Exhibit "1").

Additionally, Plaintiffs believe that Defendants also have the following vehicle in its possession for which Defendants did not provide a copy of vehicle title:

- i. 2000 Ford E250 – VIN # 1FTNS2429YHB07794

4. This Court may order turnover of these vehicles so held pursuant to Rule 69(a) of the Federal Rules of Civil Procedure (procedure on enforcement of judgment follows practice and procedure of the State where the court sits) and 735 ILCS Section 2-1402(c)(3) (when assets are discovered, the court may order "any person cited . . . to deliver up any assets so discovered to be applied in satisfaction of the judgment.").

WHEREFORE, Plaintiffs, pursuant to the provisions of Rule 69(a) of the Federal rules of Civil Procedure and 735 ILCS Section 2-1402(c)(3), to enter an Order requiring the Citation Defendants to turn over all vehicles and equipment appurtenant to them listed in paragraph 3 of

this motion to Plaintiffs' representative or agent and deliver them together with title, registration, license plates, keys, and all accessories within seven (7) days. Defendants are further ordered to deliver any further vehicles and titles not previously identified by Defendants.

Respectfully submitted,

**TRUSTEES OF THE WILL COUNTY LOCAL,
174 CARPENTERS PENSION FUND, et al.**

By: /s/ Philip Brzozowski
One of their Attorneys

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